

This compilation was prepared taking into account amendments up to and including the *South-West Coast Salmon Fishery Management Plan Amendment 2008* published in Government Gazette No. 36 on 29 February 2008.

Fisheries Act 1905
THE SOUTH-WEST COAST SALMON FISHERY

(Section 17 and 32)
Notice

1. I RICHARD CHARLES OLD, Minister for Fisheries and Wildlife, pursuant to section 17 and section 32 of the Fisheries Act 1905 hereby declare that the taking of Australian Salmon (*Arripis trutta*) in Western Australian Waters from the eastern boundary of the State on the north coast of Western Australia to Cape Beaufort on the south-west coast of Western Australia, in this Notice referred to as the South -West Coast Salmon Fishery constitutes a limited entry fishery.
2. In this notice, unless the contrary intention appears —
 - (a) the provisions of section 26 of the Interpretation Act 1918, apply as they apply to an Act;
 - (b) the expressions used have the same respective meanings as are given to them by the Act and the regulations;
 - (c) a reference to "the Act" is a reference to the Fisheries Act 1905, as from time to time amended, and a reference to "the regulations" is a reference to the regulations for the time being in force under the Act;
 - (d) "consignment" means arrangements are in place to clear, sell or transport all the salmon being penned and those arrangements will result in all those salmon being removed from the pen within 12 hours of when those salmon were initially taken.
 - (e) "length" means length as determined in relation to a fishing boat under the Western Australian Marine Act regulations relating to survey and equipment;
 - (f) "pen" means to hold or confine salmon in —
 - (a) a net or a portion of a net that is still partially in the water; or
 - (b) any other device in the water
 - (g) "release" means the net or device which is penning the salmon is completely open so that it does not prevent the egress of salmon in any way.
 - (h) "the Fishery" means the South-West Coast Salmon Fishery;
 - (i) "to take" means to take or attempt to take salmon by means of fishing nets or by means of a rod, reel and line from the beach.

DISCLAIMER:

This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and subsequent amendments were published, its accuracy cannot be guaranteed.

Accordingly - (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.

This compilation was prepared taking into account amendments up to and including the *South-West Coast Salmon Fishery Management Plan Amendment 2008* published in Government Gazette No. 36 on 29 February 2008.

3. (1) Except with the written permission of the Director, no person shall take, attempt to take or pen for sale or disposal for gain or reward any salmon in the waters comprised in the Fishery unless the salmon are taken —
- (a) by a person authorized to engage in the Fishery;
 - (b) from a boat authorized to operate in the Fishery pursuant to this notice; and
 - (c) in accordance with the manner authorized by this notice.
- (2) A person who is authorized to take salmon in the Fishery shall not -
- (a) take or attempt to take or pen salmon in any portion of the Fishery other than the portion in respect of which his authorization applies; or
 - (b) use a boat or permit or suffer a boat to be used for the purpose of taking salmon in any portion of the Fishery other than the portion in respect of which his authorization applies; and
 - (c) pen salmon unless all those salmon are penned for the purpose of consignment;
 - (d) pen salmon for more than 12 hours; or
 - (e) continue to pen salmon when ordered by a Fisheries Officer to release the salmon that are being penned.
- (3) Any person who, after penning salmon, has not landed those salmon within 12 hours of penning, must release those salmon.

3A. Geographe Bay Closures 2008 and 2009

A person authorised to fish in the Fishery must not fish for salmon at any time in any waters of Geographe Bay within 800 metres of the high water line in the area beginning at the intersection of 33° 37.56' south latitude and 115° 23.62' east longitude (the end of the easternmost groyne of the Port Geographe marina) thence south easterly along the eastern side of the groyne to the intersection with the high water line and then following the high water line in a generally westerly and then northerly direction to the intersection of the high water line and 115° 00.09' east longitude (Cape Naturaliste) during the periods specified in the Table to this clause with each period commencing on the date specified in Column 1 and ending on the date specified in Column 2 opposite that commencement date.

Table

<u>Commencement date</u>	<u>End date</u>
1 March 2008	3 March 2008
21 March 2008	24 March 2008
12 April 2008	13 April 2008
19 April 2008	20 April 2008
25 April 2008	28 April 2008

DISCLAIMER:

This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and subsequent amendments were published, its accuracy cannot be guaranteed.

Accordingly - (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.

This compilation was prepared taking into account amendments up to and including the *South-West Coast Salmon Fishery Management Plan Amendment 2008* published in Government Gazette No. 36 on 29 February 2008.

31 May 2008	2 June 2008
27 September 2008	29 September 2008
25 December 2008	28 December 2008
1 January 2009	1 January 2009
24 January 2009	26 January 2009
27 February 2009	2 March 2009
10 April 2009	13 April 2009
18 April 2009	19 April 2009
25 April 2009	27 April 2009
30 May 2009	1 June 2009.

3B. Geographe Bay Closure from 1 July 2009

A person authorised to fish in the Fishery must not fish for salmon at any time after 30 June 2009 in any waters of Geographe Bay within 800 metres of the high water line in the area beginning at the intersection of 33° 37.56' south latitude and 115° 23.62' east longitude (the end of the easternmost groyne of the Port Geographe marina) thence south easterly along the eastern side of the groyne to the intersection with the high water line and then following the high water line in a generally westerly and then northerly direction to the intersection of the high water line and 115° 00.09' east longitude (Cape Naturaliste).

4. (1) An authorization for the purposes of taking salmon in the Fishery shall be given by the Director, or by a licensing officer on behalf of the Director, in the form annexed to this Notice and the relevant license shall be endorsed with the number and date of the authorization.
- (2) An authorization to take salmon in the Fishery may be made subject to any condition, restriction or limitation relating to the authorization specified or referred to therein by reference to seasons, zones, method of fishing and equipment that may be used or otherwise.
- (3) For the purposes of any prosecution under the Act, any condition, restriction or limitation, by whatever name described, specified or referred to by an authorization shall be construed as a condition imposed upon the license to which the authorization relates.

DISCLAIMER:

This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and subsequent amendments were published, its accuracy cannot be guaranteed.

Accordingly - (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.

This compilation was prepared taking into account amendments up to and including the *South-West Coast Salmon Fishery Management Plan Amendment 2008* published in Government Gazette No. 36 on 29 February 2008.

5. (1) An application for authorization to take salmon in the Fishery shall be made to the Director in writing in the form annexed to this notice.
(2) An authorization, unless sooner cancelled or suspended, has effect for the period therein specified.
(3) Except as provided in this notice an authorization is not transferable and is valid only in relation to the taking of salmon by the person with respect to whom it is issued and the fishing boat specified in the authorization.
(4) The fees prescribed by the regulations shall be paid in relation to each application and to any authorization granted pursuant to this notice.
(5) Any authorization under this notice may be varied from time to time by the Director, or by a licensing officer on behalf of the Director, and may be cancelled or from time to time suspended by the Director by notice in writing to the holder of the license.
(6) Where the Director, in writing, gives to a person any specified authorization to engage in the Fishery and to operate a specified boat or boats in the Fishery other than in the form annexed to this notice any fishing activity carried out in accordance with that authorization shall be deemed not to contravene the provisions of this notice.
6. The benefit of an authorization granted pursuant to this notice may be transferred to another person by the person named in the authorization if the Director gives his written approval thereto but not otherwise, and the relevant license shall thereupon be further endorsed accordingly.
7. An authorization to take salmon under this notice is subject to any notice relating to the closing of waters to fishing issued under the Act.
8. The criteria that will be applied to determine whether a person may be authorized to engage in the Fishery and to operate a specified boat or boats in the Fishery are —
 - (a) that immediately prior to the declaration of the Fishery the person applying for an authorization was the holder or a professional fisherman's license endorsed to the effect that he was authorized to take salmon by means of fishing nets in the waters of the Indian Ocean between Busselton and Cape Beaufort; or
 - (b) that the person applying for the authorization is licensed as a professional fisherman and is engaged in the Fishery and applies to take over an authorization issued under this notice to a person who desires to relinquish an authorization to operate in the Fishery and retire from the industry.
9. The holder of an authorization who relinquishes his authorization or retires from the industry shall not be replaced by any other person, except with the approval of the Director of Fisheries who may grant or refuse such approval after investigating the potential of the Fishery.
10. With the prior written approval of the Director, but not otherwise, a boat the operation of which in the Fishery has been authorized pursuant to this notice, may be replaced by a boat approved of by the Director.

DISCLAIMER:

This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and subsequent amendments were published, its accuracy cannot be guaranteed.

Accordingly - (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.

This compilation was prepared taking into account amendments up to and including the South-West Coast Salmon Fishery Management Plan Amendment 2008 published in Government Gazette No. 36 on 29 February 2008.

11. The holder of an authorization issued under this notice shall not employ a person in the Fishery unless the professional fisherman's licence issued to that person carries an endorsement authorizing him to be employed in the Fishery.

Procedure before this Plan is amended or revoked

12. For the purposes of section 65(1) of the Act, the Australian Salmon and Herring Industry Advisory Committee is to be consulted before this Plan is amended or revoked.

Offences and major provisions

13. A person who contravenes a provision of clause 3, clause 3A, clause 3B or clause 11 commits an offence.

The South-West Coast Salmon Fishery
Application Form.

Please forward this Application Form with Payment

I/We
(Name)

of
(Postal Address)
..... Postcode

Hereby apply for an authorization to take salmon in the South-West Coast Salmon Fishery and to operate the boat/s described hereunder in the above specified Fishery.

Fee \$

I certify that the boats described are licensed fishing boats and that all persons engaged thereon are authorized to be employed in the Fishery.

- 1. Name of Boat
Reg. No.Registered Lengthm
- 2. Name of Boat
Reg. No.Registered Lengthm
- 3. Name of Boat
Reg. No.Registered Lengthm
Date 19.....
.....

(Signature)

Name
Address
..... Postcode
Authorization N°.....

DISCLAIMER:

This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and subsequent amendments were published, its accuracy cannot be guaranteed.

Accordingly - (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.

This compilation was prepared taking into account amendments up to and including the South-West Coast Salmon Fishery Management Plan Amendment 2008 published in Government Gazette No. 36 on 29 February 2008.

Western Australia.
Fisheries Act 1905.

License No.

Authorization to Take Salmon by Means of Nets in the South-West Coast
Salmon Fishery

Subject to a Notice issued under section 17 and section 32 of the Fisheries Act 1905 the holder of this License is authorized to engage in the South-West Coast Salmon Fishery and to operate the boats described hereunder in the above specified fishery.

1. Name of Boat
Reg. No.Surveyed Lengthm
2. Name of Boat
Reg. No. Surveyed Lengthm
3. Name of Boat
Reg. No. Surveyed Lengthm

Conditions: This Authorization is issued subject to the condition that the boats taking salmon under it are licensed under the Fisheries Act 1905 and the persons employed thereon are authorized to be employed for the purpose of taking salmon in the Fishery.

.....
.....

Term of Authorization to

Fee Paid \$

Date

.....
Licensing Officer.

Name
Address
.....Postcode

CheckedAuthorization No.....

The notices under section 17 and 32 of the Fisheries Act 1905 relating to the South-West Coast Salmon Fishery and published in the *Government Gazettes* of 30 April 1976 and 29 May 1981 are hereby cancelled.

Dated this day of

R. C. OLD, .
Minister for Fisheries and Wildlife.

Note:

This consolidated plan includes the original plan published in GG. of 3.12.1982 and the following subsequent amendments – Amendment (No.1) of 1998 published in GG 22 of 12.02.99, Amendment (No. 1) of 2007 published in GG 69 of 04.04.07, Amendment (No. 1) of 2008 published in GG 36 of 29.02.08.

DISCLAIMER:

This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and subsequent amendments were published, its accuracy cannot be guaranteed.

Accordingly - (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.